

ESTTA Tracking number: **ESTTA721395**

Filing date: **01/19/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Panor Corp.
Granted to Date of previous extension	01/20/2016
Address	125 Cabot Court Hauppauge, NY 11788 UNITED STATES
Attorney information	Laura Goldbard George Stroock & Stroock & Lavan LLP 180 Maiden Lane, 38th Floor New York, NY 10038-4982 UNITED STATES tm@stroock.com, lgoldbard@stroock.com Phone:212-806-6675

### Applicant Information

Application No	86432541	Publication date	09/22/2015
Opposition Filing Date	01/19/2016	Opposition Period Ends	01/20/2016
Applicant	RADIAL ENGINEERING LTD. 1588 Kebet Way PORT COQUITLAM, BC, V3C5M5 CANADA		

### Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Professional audio, Professional recording studio, Public address (PA) and sound system accessories, namely, electronic power amplifiers, pre-amplifiers, musical instrument pre-amplifiers, AM/FM stereo tuners, car audio stereo systems, stereo hi-fi systems, radios, wireless transmitters and receivers, headphone amplifiers, phono preamplifiers, loudspeakers, subwoofer speakers, headphones, wireless headphones, wireless speakers, electronic switchers for audio and video signals, ground loop noise isolators, microphones, equalizers, crossovers, noise gates, audio limiters, audio signal processors, duckers, audio compressors, optical compressors, digital voice signal processors, dynamic processors, analog and digital audio signal and effects processors, audio reverb effects processors for emulating the audio of different types of rooms, audio effects processors for simulating the sound of different types of speaker cabinets, direct signal boxes, audio and digital signal switch boxes, vacuum tubes, electrical transformers, audio and video cables, and instruction manuals, sold as a unit

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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## Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	DYNACO		
Goods/Services	audio-visual and electronic products		

Attachments	Notice of Opposition DYNACO.pdf(200177 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/laura goldbard george/
Name	Laura Goldbard George
Date	01/19/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Application Serial No. 86/432,541

Mark: DYNACO

Published: September 22, 2015

Panor Corp.,

Opposer,

vs.

Opposition No.

Radial Engineering Ltd.,

Applicant.

Commissioner for Trademarks

P.O. Box 1451

Arlington, VA 22313-1451

**NOTICE OF OPPOSITION**

Opposer, Panor Corp. (hereinafter “Panor” or “Opposer”), believes that it will be damaged by the registration of the referenced mark DYNACO and hereby opposes the above-referenced application for registration, Serial No. 86/432,541 (hereinafter “the Subject Application”). As grounds for opposition, Panor alleges that:

1. Panor, a New York corporation, located and doing business at 125 Cabot Court, Hauppauge, New York 11788, is a manufacturer and distributor of audio-visual and electronic products (collectively, “Opposer’s Goods”) in the United States and abroad.

2. Panor has used its DYNACO trademark in United States interstate commerce for the sale of audio-visual and electronic products prior to the filing of the Subject Application.

compressors, optical compressors, digital voice signal processors, dynamic processors, analog and digital audio signal and effects processors, audio reverb effects processors for emulating the audio of different types of rooms, audio effects processors for simulating the sound of different types of speaker cabinets, direct signal boxes, audio and digital signal switch boxes, vacuum tubes, electrical transformers, audio and video cables, and instruction manuals, sold as a unit (collectively, “Applicant’s Goods”).

7. On February 17, 2015, the Trademark Examining Attorney for the Subject Application issued an Office Action to Applicant refusing registration based on a likelihood of confusion with the DYNACO Registration.

8. On May 6, 2015, Applicant petitioned for cancellation of the DYNACO Registration, Cancellation Proceeding No. 92061449. On August 12, 2015, the DYNACO Registration was cancelled due to default.

9. Panor has prior rights to Applicant in the trademark DYNACO, to identify its audio-visual and electronic products.

10. Applicant’s Mark is identical to Opposer’s DYNACO mark and is used in connection with the sale of goods that are closely related to the goods offered by Opposer under the DYNACO mark, such that there is a likelihood that consumers would be confused because the respective goods are or will be sold under confusingly similar marks.

11. In view of the confusing similarity of Applicant’s Mark and Applicant’s Goods to Opposer’s DYNACO mark and Opposer’s Goods, Applicant’s use and registration of the mark DYNACO is likely to cause confusion, mistake, and deceive the trade and public into believing

3. Panor first used the mark DYNACO pursuant to a license from Marlborough Enterprises, Ltd. (hereinafter “Marlborough”). Marlborough applied for registration of the DYNACO mark with the United States Patent and Trademark Office on September 19, 1983, for the following audio-visual and electronic products in International Class 9: electronic sound systems; namely, audio frequency transducers, loudspeakers, tuners, amplifiers, and cross-overs. The application matured to registration on February 10, 1987, as Registration No. 1,428,146 (the “DYNACO Registration”). After Marlborough ceased doing business, Panor assumed control of the DYNACO mark.

4. In April of 2014, applicant Radial Engineering Ltd. (hereinafter “Radial” or “Applicant”) contacted Panor and engaged in discussions regarding a potential sale of Panor’s DYNACO mark to Radial.

5. On October 21, 2014, negotiations between Opposer and Applicant fell apart.

6. With knowledge of Opposer’s prior rights, on October 23, 2014, Applicant filed the Subject Application to register the mark DYNACO (“Applicant’s Mark”) with the United States Patent and Trademark Office for the following audio-visual and electronic goods in International Class 9: professional audio, professional recording studio, public address (PA) and sound system accessories, namely, electronic power amplifiers, pre-amplifiers, musical instrument pre-amplifiers, AM/FM stereo tuners, car audio stereo systems, stereo hi-fi systems, radios, wireless transmitters and receivers, headphone amplifiers, phono preamplifiers, loudspeakers, subwoofer speakers, headphones, wireless headphones, wireless speakers, electronic switchers for audio and video signals, ground loop noise isolators, microphones, equalizers, crossovers, noise gates, audio limiters, audio signal processor duckers, audio

that Applicant's Goods originate with or are otherwise licensed, sponsored, or authorized by Opposer.


12. The use and registration of the mark DYNACO by Applicant is likely to damage and destroy the distinctiveness, goodwill, and reputation created and established by Panor in its DYNACO mark by virtue of the confusion, mistake, and deception likely to occur between the respective marks in derogation of Opposer's exclusive right to continue to use its DYNACO mark for its goods. Moreover, a registration of DYNACO by Applicant will serve as *prima facie* evidence of Applicant's exclusivity with respect to the DYNACO mark, in contravention of Panor's prior rights in the mark.

13. By reason of all the foregoing, Opposer will be gravely damaged by the registration of the mark DYNACO for Applicant's goods.

WHEREFORE, by reason of the confusing similarity of Applicant's and Opposer's marks, Opposer respectfully requests that the opposition be sustained and that registration of the mark DYNACO be refused.

Dated: New York, New York  
January 19, 2016


Respectfully submitted,  
STROOCK & STROOCK & LAVAN LLP  
Attorneys for Opposer  
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(212) 806-5400

By:   
Laura Goldbard George

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on Applicant on January 19, 2016, by forwarding a copy by first class mail to the Attorney of Record for Applicant, as follows:

TODD BRAVERMAN, ESQ.  
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Angela Fisher